

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESAL PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:  
  
ALL CLASS ACTIONS

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**THE J&J DEFENDANTS' SECOND SUPPLEMENTAL DEPOSITION  
DESIGNATIONS TO PLAINTIFFS' DEPOSITION DESIGNATIONS**

The J&J Defendants hereby present their second supplemental counter designations of the following depositions (highlighted in orange) designated by Plaintiff (highlighted in yellow) to be used at trial. The J&J Defendants' second supplemental deposition designations are highlighted below in bold.

**A. John Hess**

<b>Offering Party</b>	<b>Designation Range</b>	<b>Objection/Counter Designation</b>
Plaintiffs	March 24, 2006 Deposition: 4:17-20	None
Plaintiffs	18:14-20	None
Plaintiffs	23:3-7	Incomplete Answer (23:5-7) <b>23:8-9</b>
Plaintiffs	23:17-24:2	None
Plaintiffs	25:1-4	None
Plaintiff	25:14-26:9	None

Offering Party	Designation Range	Objection/Counter Designation
Plaintiffs	33:19-35:3	Missing Answer (35:3) <b>35:4-10</b>
Plaintiffs	36:3-18 ending with “week”	Incomplete Answer (36:17-18) <b>36:18-20</b>
Plaintiffs	37:3-7, 9-13	Compound Question (37:3-7)
Plaintiffs	41:8-19	None
Plaintiffs	42:3-12	None
Plaintiffs	43:13-18	None
Plaintiffs	44:4-14	None
Plaintiffs	51:2-5	<b>51:14 - 21</b>
Plaintiffs	52:1-2	Compound Question (52:1-2) Missing Answer (52:1-2)
Plaintiffs	54:18-55:2	Compound Question (55:1-2)
Plaintiffs	55:5-18	Compound Question (55:5-7)
Plaintiffs	56:2-15	None
Plaintiffs	57:17-22	Missing Answer (57:17-22) <b>58:1-58:8</b>
Plaintiffs	58:9-20	Missing Question (58:9-58:13) Lack of Foundation (58:9-58:13) Incomplete Answer (58:9-58:13) Lack of Foundation (58:19-20) Leading Question (58:19-20) <b>58:1-58:8</b> <b>58:21-22</b>

Offering Party	Designation Range	Objection/Counter Designation
Plaintiffs	59:1-8	Lack of Foundation (58:19-20) Leading Question (58:19-20) <b>58:21-22</b>
Plaintiffs	60:3-7 ending with “her.”; 60:12 beginning with “I” - 14	Incomplete Answer (60:7-60:24) <b>60:7-60:12</b> <b>61:2 - 12</b>
Plaintiffs	61:16 beginning with “this” - 20, 22	Incomplete Question (61:16-20) Vague Question (61:16-20) <b>61:14-16</b> <b>61:21</b>
Plaintiffs	62:1-64:18	Lack of Personal Knowledge (63:8-63:12) Incomplete Answer (64:13-18) Ambiguous Question (64:13-18) <b>64:19-65:2</b> <b>141:13-142:1</b> <b>142:7-143:3</b> <b>145:10-17</b>
Plaintiffs	65:17-22	Missing Answer (65:17-22) <b>66:17 – 68:13, 69:7 – 70:15, 95:8 – 96:5, 116:18 – 20, 117:16 -22</b>
Plaintiffs	67:7-11	None

Offering Party	Designation Range	Objection/Counter Designation
Plaintiffs	73:5-7, 15-22	Missing Answer (73:5-7)  Lack of Foundation (73:5-7)  Lack of Personal Knowledge (73:15-22)  Compound Question (73:15-22)  <b>73:10 - 13</b>
Plaintiffs	74:1-2, 5 beginning with "I" - 8, 10-12	Lack of Personal Knowledge (74:5-8)  Compound Question (74:5-8)  Incomplete Answer (74:5-8)  Missing Answer (74:10-12)  <b>74:3-74:5</b>
Plaintiffs	75:7-13, 15-21	Compound Question (75:11-13)
Plaintiffs	76:1-4, 6-9	Vague Question (76:1-4)  Incomplete Answer (76:6-9)  <b>76:10-22</b>  <b>77:1 – 79:2</b> <b>81:3 – 14</b>
Plaintiffs	79:14-18	Vague Question (79:14-18)  <b>79:19-20</b>
Plaintiffs	79:21-80:1	Vague Question (79:21-80:1)  <b>79:19-20</b>  <b>82:6-82:20</b>
Plaintiffs	84:3-5, 11 beginning with "I" - 13, 15-21	Vague Question (84:3-5) Incomplete Answer (84:3-84:13) Lack of Foundation (84:15-16) Opinion (84:15-16)  <b>84:6-11</b>

Offering Party	Designation Range	Objection/Counter Designation
Plaintiffs	85:12-15, 17, 19 beginning with “But” – 22	Missing Answer (85:12-15) Incomplete Answer (85:19-86:3)  <b>85:16</b> <b>85:18-19</b>
Plaintiffs	86:1-20	<b>86:21-87:3</b>
Plaintiffs	87:16-19, 22	Vague Question (87:16-19)  <b>87:20-21</b>
Plaintiffs	88:1-91:20	Argumentative Question (88:4-88:7) Leading Question (88:20-88:22) Argumentative Question (89:12-90:1) Vague Question (91:10-91:20)  <b>92:3-92:12</b>
Plaintiffs	91:22	Incomplete Answer (91:22)  <b>92:1</b>
Plaintiffs	92:13-17, 20-21	Lack of Foundation (92:3-17)
Plaintiffs	93:1-15, 21-22	Lack of Foundation (93:1-15)  Incomplete Answer (93:21-94:22)  <b>93:16-93:20</b>
Plaintiffs	94:1-13, 19 beginning with “But” - 22	Lack of Personal Knowledge (94:10-95:6)  Ambiguous Question (94:10-13)  Incomplete Answer (94:19-95:6)  <b>94:14-19</b>

Offering Party	Designation Range	Objection/Counter Designation
Plaintiffs	95:1-6 ending with “chemotherapy”	Lack of Personal Knowledge (94:10-95:6)  Incomplete Answer (94:19-95:6)  <b>95:6</b>
Plaintiffs	97:5-98:8	Argumentative (98:7-8)  <b>98:9-10</b>
Plaintiffs	98:11-22	Incomplete Answer (98:11-22)  <b>99:1-9</b>
Plaintiffs	99:10-100:13	Ambiguous Question (100:10-13)  <b>100:14-15</b>  <b>100:18 – 101:18</b>
Plaintiffs	100:16	Ambiguous Question (100:16)
Plaintiffs	101:20-102:5	Argumentative (101:20-102:5)  <b>102:6-7</b>
Plaintiffs	102:8-9, 12-22	Missing Question (102:11)  Compound Question (102:19-22)  <b>102:11</b>  <b>103:1</b>
Plaintiffs	103:2-22	None

<b>Offering Party</b>	<b>Designation Range</b>	<b>Objection/Counter Designation</b>
Plaintiffs	104:2-5, 9-11, 14	Missing Question (104:2-5) Incomplete Answer (104:2-5) Lack of Foundation (104:9-11) <b>104:1</b> <b>104:6-8</b> <b>104:12-13</b>
Plaintiffs	106:19-107:7	Ambiguous Question (105:5-7) <b>107:8</b> <b>108:3 – 108:15</b>
Plaintiffs	107:9-12	None
Plaintiffs	119:17-19	Argumentative (119:17-19) <b>119:20</b>
Plaintiffs	119:21-120:6	Lack of Foundation (120:4-6) <b>120:7-8</b>
Plaintiffs	120:9-10	<b>120:10 – 15</b>

**B. Thomas Hiriak**

<b>Offering Party</b>	<b>Designation Range</b>	<b>Objection/Counter Designation</b>
Plaintiffs	July 28, 2004 Deposition: 5:10-12	<b>5:13-14</b>
Plaintiffs	7:5 beginning with “You” - 9	<b>8:11-9:22</b>

Offering Party	Designation Range	Objection/Counter Designation
Plaintiffs	14:1-5, 17-22	Missing Answer (14:4-6) (Answer to question at 14:21-22 is at 15:1, designated below) <b>14:6-16, 22:2-6</b>
Plaintiffs	15:1-5	(Answer at 15:1 is to question at 14:21-22, designated above) <b>15:16-16:2</b>
Plaintiffs	22:7-16	None
Plaintiffs	23:20-24:4 ending with “payers”	Incomplete Answer <b>24:4-9, 25:6-26:10</b>
Plaintiffs	37:1-3	<b>22:19</b> (starting at “Up”)- <b>23:6, 37:4-11, 41:2-42:10</b>
Plaintiffs	91:1-3	Missing Answer
Plaintiffs	92:1-93:21	Form (Ambiguous Question) (92:1-2, 3-4) <b>91:12-22</b> (Answer to question at 93:19-21 is at 94:1, designated below)
Plaintiffs	94:1-95:12	(Answer at 94:1 is to question at 93:19-21, designated above)
Plaintiffs	96:13-15	Form (Ambiguous and Overly Broad Question) (96:13-15) <b>96:16</b> (Answer to question at 96:13-15 is at 96:18-97:4, designated below)



<b>Offering Party</b>	<b>Designation Range</b>	<b>Objection/Counter Designation</b>
Plaintiffs	96:18-97:14	(Answer at 96:18-97:4 is to question at 96:13-15, designated above)  Form (Ambiguous and Overly Broad Question) (97:5-10)  <b>101:13-102:12, 104:16-105:19, 110:18-112:11, 118:2-21, 119:14-120:22, 128:9-129:11, 142:5-21, 145:8-146:21, 148:8-149:11</b>
Plaintiffs	145:8-146:12	<b>101:13-102:12, 104:16-105:19, 110:18-112:11, 118:2-21, 119:14-120:22, 128:9-129:11, 142:5-21, 145:8-146:21, 148:8-149:11</b> <b>173:1 – 15, 176:14 – 177:19</b>  <b>121:21 – 122:21, 175:16 – 176:13</b>  <b>Nov. 10, 2004 Deposition 446:17 – 449:21 456:6 – 18</b>
Plaintiffs	147:4-19	<b>101:13-102:12, 104:16-105:19, 110:18-112:11, 118:2-21, 119:14-120:22, 128:9-129:11, 142:5-21, 145:8-146:21, 148:8-149:11</b>
Plaintiffs	151:9-11	Missing Question, Missing Answer
Plaintiffs	152:8-17	None

Offering Party	Designation Range	Objection/Counter Designation
Plaintiffs	153:2-154:10	Form (Ambiguous and Overly Broad Question) (154:7-10) (Answer to question at 154:7-10 is at 154:15-18, designated below) <b>154:11, 155:2-15</b>
Plaintiffs	154:15-18	Form (Ambiguous Question) (154:7-10) (Answer at 154:15-18 is to question at 154:7-10, designated above) <b>154:11, 155:2-15</b>
Plaintiffs	156:21-157:10	Form (Vague & Ambiguous Question) (Answer to question is at 157:12-15, designated below) <b>157:11, 155:2-15</b>
Plaintiffs	157:12-15	Form (Vague & Ambiguous Question) (Answer is to question at 156:21-157:10, designated above) <b>157:11, 155:2-15</b>
Plaintiffs	158:16-22	Document Speaks for Itself <b>155:2-15</b>
Plaintiffs	159:18-19	(Answer to question is at 160:3-8, designated below)
Plaintiffs	160:3-18	(Answer at 160:3-8 is to question is at 159:18-19, designated above) <b>162:9-162:19, 164:21-165:18, 172:8-22, 175:2-15, 194:7-20, 199:12-201:14</b>
Plaintiffs	201:18-202:3	<b>202:4-16</b>
Plaintiffs	202:17-203:1	None
Plaintiffs	203:12-204:1	None

Offering Party	Designation Range	Objection/Counter Designation
Plaintiffs	204:9-16, 19-22	None
Plaintiffs	205:1-206:9	None
Plaintiffs	214:18-215:1	None
Plaintiffs	228:7-12, 21-22	Completeness (228:7-10) <b>227:16-228:3, 228:13-20</b>
Plaintiffs	229:1-230:6	None
Plaintiffs	231:2-9	None
Plaintiffs	283:6-284:6	<b>283:6-284:6</b>
Plaintiffs	285:2-4, 6-21	Form (Ambiguous Question) & Misstates Prior Testimony

**C. Diane Ortiz**

Offering Party	Designation Range	Objection/Counter Designation
Plaintiffs	August 30, 2005 Deposition: 6:6-8	None
Plaintiffs	7:9-17, 21-22	<b>85:19 – 86:20</b>
Plaintiffs	8:1-5, 19-22	<b>8:6 – 8:18</b>
Plaintiffs	9:1-3, 8-22	<b>10:1 – 10:3</b> <b>10:9 – 10:17</b> <b>11:2 – 12:12</b>
Plaintiffs	12:17-13:5	<b>13:6 – 13:11</b>
Plaintiffs	13:12-17, 22	None
Plaintiffs	14:1-16:22	Form – vague or ambiguous (15:12 – 15:16) (16:11 – 16:13) <b>17:1 – 17:9</b>
Plaintiffs	17:10-18:6	<b>18:7 – 18:18</b> <b>19:3 – 19:12</b>

Offering Party	Designation Range	Objection/Counter Designation
Plaintiffs	19:13-21	Form – vague or ambiguous (19:20 – 19:22)  <b>19:22</b>
Plaintiffs	20:2-26:18	Form – vague or ambiguous (21:7 – 21:10) (22:13 – 22:15) (24:8 – 24:12) (25:2 – 25:5)  Lacks foundation (21:7 – 21:10)
Plaintiffs	27:3-29:21	Form – vague or ambiguous (28:14 – 28:18) (29:10 – 29:17)  Lacks foundation(29:10 – 29:17)  <b>28:14 – 29:21</b>
Plaintiffs	30:13-34:22	Form – vague or ambiguous (32:6 – 32:10) (32:13 – 32:17) (34:9 – 34:14)  <b>31:3 – 32:5</b>  <b>34:9 – 35:4</b>  <b>87:9 – 88:13</b>
Plaintiffs	35:12-38:9	Form – vague or ambiguous (35:12 – 35:14) (35:22 – 36:7) (37:5 – 37:10)  Lacks foundation (37:5 – 37:10)  <b>38:10 – 39:3</b>  <b>40:5 – 44:14</b>  <b>45:17 – 46:18</b>
Plaintiffs	46:19-51:18	Form – vague or ambiguous (49:5 – 49:6) (49:9 – 49:14) (49:19 – 49:22) (50:5 – 50:6) (50:17 – 51:6) (51:11 – 51:14)  Lacks foundation (49:5 – 49:6)  <b>49:19 – 50:4</b>  <b>50:17 – 51:10</b>

Offering Party	Designation Range	Objection/Counter Designation
Plaintiffs	52:1-56:11	Form – vague or ambiguous (55:22 – 56:8)  Lacks foundation (55:22 – 56:8)  <b>53:1 – 53:10</b>
Plaintiffs	60:3-22	<b>61:1 – 61:3</b>
Plaintiffs	61:13-16	<b>61:17 – 62:6</b>
Plaintiffs	63:1-64:7	Form – vague or ambiguous (63:7 – 63:13) (63:16 – 63:17)  <b>62:14 – 62:22</b>  <b>64:13 – 65:1</b>  <b>66:11 – 67:5</b>
Plaintiffs	67:6-68:10	None
Plaintiffs	68:17-69:9	Form – vague or ambiguous (68:17 – 68:21) (69:5 – 69:7)  Lacks foundation (69:5 – 69:7)  <b>69:10 – 69:12</b>
Plaintiffs	69:13-16	Relevance (69:13 – 69:20)  <b>69:17 – 69:20</b>  <b>70:2 – 70:21</b>  <b>71:8 – 73:3</b>
Plaintiffs	74:11-14	None

Offering Party	Designation Range	Objection/Counter Designation
Plaintiffs	77:1-5	Form – vague or ambiguous (77:1 – 77:4)  <b>77:7 – 77:8</b>  <b>77:12 – 78:2</b>  <b>78:10 – 80:4</b>  <b>83:13 – 83:21</b>  <b>84:22 – 85:2</b>
Plaintiffs	88:21-89:2	<b>89:9 – 89:17</b>  <b>90:6 – 90:13</b>  <b>94:15 – 96:12</b>
Plaintiffs	96:16-101:21	Form – vague or ambiguous (98:4 – 98:10) (98:20 – 99:1) (99:12 – 99:20) (100:1 – 100:6) (100:9 – 100:11) (100:14 – 100:18) (100:21 – 101:5) (101:11 – 101:17)  Lacks foundation (98:20 – 99:1) (99:12 – 99:20) (100:1 – 100:6) (100:9 – 100:11) (100:14 – 100:18) (100:21 – 101:5) (101:11 – 101:17)  <b>102:7 – 102:12</b>  <b>102:15 – 103:3</b>

Dated: December 11, 2006

/s/ William F. Cavanaugh, Jr.

William F. Cavanaugh, Jr.

Andrew D. Schau

Erik Haas

Adeel A. Mangi

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**CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE**

Docket No. MDL 1456

I, Niraj J. Parekh, hereby certify that I am one of the J&J Defendants' attorneys and that, on December 11, 2006, I caused copies of **THE J&J DEFENDANTS' SECOND SUPPLEMENTAL DEPOSITION DESIGNATIONS TO PLAINTIFFS' DEPOSITION DESIGNATIONS** to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

/s/ Niraj J. Parekh

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Niraj J. Parekh